

ANNOTATED AGENDA
CITY COUNCIL OF THE CITY OF YONKERS
SPECIAL MEETING
FRIDAY, MAY 31, 2013

TIME: 8:38PM

PRESENT: PRESIDENT OF THE COUNCIL
CHUCK LESNICK

DISTRICT
2 MAJORITY WILSON A. TERRERO
6 MINORITY LEADER JOHN J. LARKIN

COUNCIL MEMBERS:
DISTRICT:
1 CHRISTOPHER A. JOHNSON
3 MICHAEL R. SABATINO
4 DENNIS E. SHEPHERD
5 MICHAEL B. BREEN

WE, THE UNDERSIGNED MEMBERS OF THE CITY COUNCIL, PURSUANT TO RULE 1.2 OF THE CITY COUNCIL RULES, DO HEREBY CALL A SPECIAL MEETING OF THE CITY COUNCIL, TO BE HELD ON FRIDAY, MAY 31, 2013 IN THE CITY COUNCIL CHAMBERS, FOURTH FLOOR, CITY HALL, YONKERS, NEW YORK AT 7:30 P.M., FOR THE FOLLOWING PURPOSE:

TO DISCUSS AND TAKE ACTION ON:

1. GENERAL ORDINANCE INCREASING WATER RENTS.
2. SPECIAL ORDINANCE APPROVING JUSTIFICATION DOCUMENTS RELATING TO FY 2013/2014 BUDGET.
3. SPECIAL ORDINANCE ADOPTING THE 2013/2014 TAX BUDGET.
4. SPECIAL ORDINANCE CONFIRMING THE TAX ROLL FOR FY 2013/2014
5. SPECIAL ORDINANCE ADOPTING THE CAPITAL BUDGET FOR FY 2013/ 2014.
6. SPECIAL ORDINANCE ADOPTING THE GRANT BUDGET FOR FY 2013/ 2014.
7. SPECIAL ORDINANCE ADOPTING REVENUE ANTICIPATION NOTE FOR FY 2013/2014.
8. SPECIAL ORDINANCE ADOPTING TAX ANTICIPATION NOTE FOR FY 2013/2014.
9. SPECIAL ORDINANCE ADOPTING \$10 MILLION BOND ORDINANCE FINANCING TAX CERTIORARI.
10. SPECIAL ORDINANCE ADOPTING THE SALARY SCHEDULE.
11. ALL OTHER BUSINESS PROPERLY COMING BEFORE THE COUNCIL.

COUNCIL PRESIDENT LESNICK
MAJORITY LEADER TERRERO
MINORITY LEADER LARKIN
COUNCILMEMBER JOHNSON

COUNCILMEMBER SABATINO
COUNCILMEMBER SHEPHERD
COUNCILMEMBER BREEN

A COMMITTEE OF THE WHOLE MEETING WILL BE HELD PRIOR TO THIS SPECIAL COUNCIL MEETING AT 7:00 P.M.

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COMMITTEE OF THE WHOLE

NO SPEAKERS

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GENERAL ORDINANCE NO.4-2013

1. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

A GENERAL ORDINANCE AMENDING GENERAL ORDINANCE NO. 15-1967, ENTITLED, "CODE OF ORDINANCES OF THE CITY OF YONKERS, 1967," IN RELATION TO PROVIDING FOR AN INCREASE IN WATER RENTS:

The City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1. General Ordinance No. 15-1967, Chapter 102, Water, 102-2 Rates, as last amended by General Ordinance No. 16 - 2012 is hereby amended to read as follows:

" C 102-2. Water Rates

- A. The following water rates are to be used in computing the water rates in the City of Yonkers for each half of the year:
1. First one million (1,000,000) cubic feet at [two dollars and thirty-two cents (\$2.32)]twodollars and fifty-five cents (\$2.55) per one hundred (100) cubic feet.
 2. Over one million (1,000,000) cubic feet at [two dollars and thirty-two cents (\$2.32)]twodollars and fifty-five cents (\$2.55) per one hundred (100) cubic feet.
- B. All accounts shall be billed semiannually with a minimum semiannual charge of [fifty eight dollars and no cents (\$58.00)]sixty-three dollars and eighty cents (\$63.80) covering an allowance of two thousand five hundred (2,500) cubic feet. For the purpose of billing for payment of the rates herein, bills for payment for any semiannual period may be prepared based upon estimated quantities."

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GENERAL ORDINANCE NO.4-2013 (CONTINUED)

Section 2. This ordinance shall take effect July 1, 2013.

THIS GENERAL ORDINANCE WAS ADOPTED AS AMENDED BY THE CITY COUNCIL AT A SPECIAL COUNCIL MEETING HELD ON FRIDAY, MAY 31, 2013 BY A VOTE OF 7-0.

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SPECIAL ORDINANCE NO.26-2013

2. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

AN ORDINANCE APPROVING CERTAIN JUSTIFICATION DOCUMENTS OF THE CITY COMPTROLLER, WHICH DOCUMENTS ARE ATTACHED HERewith AND MADE A PART HEREOF, IN RELATION TO THE ADOPTION OF THE CITY'S 2014 FISCAL YEAR BUDGET (SUPPORTING DATA FOR THESE DOCUMENTS ARE ON FILE AND MAY BE EXAMINED IN THE OFFICE OF THE CITY CLERK).

The City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1: The following justification documents of the City Comptroller are attached hereto and made a part hereof in relation to the City's 2014 Fiscal Year Budget.

| | |
|--|---------------|
| 1. General Fund Balance | \$17,000,000 |
| 2. Water Fund Balance | \$925,798 |
| 3. Sewer Fund Balance | \$850,837 |
| 4. Education Fund Balance | \$21,969,760 |
| 5. Sales and Use Tax | \$69,766,454 |
| 6. Real Estate Transfer Tax | \$6,225,359 |
| 7. Income Tax Surcharge | \$40,076,608 |
| 8. Metered Water Sales | \$27,660,752 |
| 9. Board of Education: State Funding - Basic | \$224,408,862 |
| 10. Board of Education: Federal Aid | \$520,000 |
| 11. SAFER Grant | \$1,285,200 |
| 12. Local Pension Plan | \$87,000 |
| 13. Termination Payments | \$1,835,235 |
| 14. Tax Certioraris | \$500,000 |
| 15. General Fund Debt Service | \$37,817,946 |
| 16. City Department Appropriations | |
| a) 0201 City Council | |
| b) 0204 Elections | |
| c) 0407 Office Services | |
| d) 0503 Management Information Services | |
| e) 0602 Planning | |
| f) 0604 Economic Development | |
| g) 0605 Affordable Housing | |

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SPECIAL ORDINANCE NO.26-2013(CONTINUED)

- h) 0901 Public Works Administration
 - i) 0906 Refuse and Recycling Collection
 - j) 0908 City Maintenance

 - k) 1001 Engineering
 - l) 1106 Shade Tree Bureau
 - m) 1302 Office for the Aging
 - n) 2001 Library Administration
 - o) 2003-2020 Will Library Maintenance
 - p) 2004-2020 Riverfront Library Maintenance
- | | |
|----------------------------------|-------------|
| 17. Mortgage Tax | \$5,441,294 |
| 18. Building Department Revenues | \$3,565,489 |
| 19. Interest on Taxes | \$3,540,906 |
| 20. Cable Television Fees | \$2,796,177 |
| 21. Affordable Housing Subsidies | \$1,100,000 |

Section 2: This ordinance shall take effect immediately or as otherwise provided by law.

THIS SPECIAL ORDINANCE WAS ADOPTED AS AMENDED BY THE CITY COUNCIL AT A SPECIAL COUNCIL MEETING HELD ON FRIDAY, MAY 31, 2013 BY A VOTE OF 7-0.

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SPECIAL ORDINANCE NO.27-2013

3. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

AN ORDINANCE ADOPTING THE TAX BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2013 AND TERMINATING JUNE 30, 2014.

The City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1: The annual estimate of expenditures of \$990,897,222 and revenues for the fiscal year July 1, 2013 to June 30, 2014 submitted by the Mayor and amended, \$330,920,260 the amount deemed necessary by the Mayor to be raised by tax to pay the expenditures of the City of Yonkers for the fiscal year commencing July 1, 2013 and ending June 30, 2014 having been filed in the Office of the City Clerk on April 15, 2013, and public hearings thereon having been held on May 16, 2013 and May 21, 2013 and the same is hereby approved and adopted as the Tax Budget of the City of Yonkers for the fiscal year commencing July 1, 2013 and terminating June 30, 2014 consisting of Personal Services, Equipment, Materials and Supplies, and Contractual Services as set forth in the Budget Document for the respective departments and establishing the total number of positions of each organizational unit of the City annexed hereto as Exhibit A.

Section 2. The amount of said tax budget shall be appropriated and extended by the City Comptroller opposite the several valuations of real property appearing on the assessment roll prepared by the Bureau of Assessment and shall be confirmed by the City Council as soon as possible.

Section 3: This Ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A SPECIAL COUNCIL MEETING HELD ON FRIDAY, MAY 31, 2013 BY A VOTE OF 7-0.

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SPECIAL ORDINANCE NO.28-2013

4. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

AN ORDINANCE CONFIRMING THE TAX ROLL OF THE FISCAL YEAR JULY 1, 2013 TO JUNE 30, 2014 AND LEVYING AND ADDRESSING THE TAXES CONTAINED THEREIN.

The City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1: The assessment rolls for the fiscal year July 1, 2013 to June 30, 2014 and the apportionment and extension thereon of the tax budget for the fiscal year July 1, 2013 to June 30, 2014 constituting the tax roll of the City, hereby levied and assessed on the real property appearing thereon as therein set forth.

Section 2: The Mayor is hereby directed to sign and attach to such tax rolls a warrant under the corporate seal of the City commanding the Comptroller to collect, in manner provided by law, the taxes set forth therein, and the City Assessor is hereby directed to thereupon deliver the said tax roll to the Commissioner of Finance & Management Services.

Section 3: This Ordinance shall take effect immediately after statutory approvals in accordance with the Special Local Finance and Budget Act of 1976.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A SPECIAL COUNCIL MEETING HELD ON FRIDAY, MAY 31, 2013 BY A VOTE OF 7-0. THIS ORDINANCE WAS ADOPTED AT 9:00PM

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LOCAL LAW NO.3-2013

- 4A. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

LOCAL LAW AMENDING THE CHARTER TO CREATE THE DEPARTMENT OF INFORMATION TECHNOLOGY.

Be it enacted by the City Council of Yonkers as follows:

Section 1. Article XV of the Yonkers City Charter is added to read as follows:

ARTICLE XV. DEPARTMENT OF INFORMATION TECHNOLOGY

§ C15-1. Department Established; Commissioner; Deputies, subordinate officers.

A. There shall be a Department of Information Technology consolidating functions previously performed by the Office of Management Services and the Office of Office Services, the head of which shall be the Commissioner. The Commissioner will be a position in the unclassified service vested with authority, direction and control over said department, with power and authority to appoint and remove officers and employees therein, who shall be appointed by and serve at the pleasure of the Mayor. The Commissioner so appointed shall have the training and qualifications necessary to perform the duties of the office.

B. In addition to such other subordinates as may be provided him/her by law, the Commissioner shall appoint up to two Deputy Commissioners, and may delegate to them any of his powers except that of appointment and transfer. During the absence or disability of the Commissioner, he/she shall designate a Deputy Commissioner with the ability and power to act generally for and in place of the Commissioner and to perform all of the administrative, executive and other duties.

§ C15-2. Powers and Duties.

A. The Commissioner will provide technology vision and leadership for developing and implementing information technology (IT) initiatives that

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LOCAL LAW NO.3-2013 (CONTINUED)

improve cost effectiveness, governmental service quality, and business development.

B. The Commissioner will provide leadership in planning and implementing enterprise information systems to support government operations, and achieve more cost beneficial enterprise-wide IT operations.

C. The Commissioner of the Department of Information Technology shall have the following powers and duties, which shall be exercised and performed subject to the provisions of law:

1. Facilitate and coordinate the planning and implementation of a data processing system for the City of Yonkers.
2. Advise and assist the Mayor, City Council, and other departments, officials and agencies of the City with respect to the potential application of data processing systems and techniques to any and all operations of the City government in order to promote increased efficiency and economy.
3. Supervise, direct, coordinate, review and approve all electronic data processing work and services performed by or for the City of Yonkers, including but not limited to any and all systems' specifications, systems' analysis, programming and programming documentation, as well as the conversion, implementation and operation of all applications utilized by any board, department or agency of the City.
4. Confer with and advise the appropriate officials of the City government for the purpose of coordinating the most efficient use of the City's data processing system.
5. Conduct continuous evaluations and studies of all un/automated City administrative functions and procedures for the purpose of formulating recommendations for possible future computer implementation and the setting of priorities therefor.
6. Evaluate and submit recommendations concerning any ancillary hardware equipment capable of being used to supplement or expand the City's hardware equipment configuration.
7. Constantly monitor, evaluate and supervise the City's data processing system and operations.
8. Establishes IT service level agreements with user organizations, and monitors IT systems performance to assure service levels are being met.
9. Develop policy and procedures and ensure the protection of City IT assets, and the security and privacy of information entrusted to or maintained by the City.

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LOCAL LAW NO.3-2013 (CONTINUED)

10. Supervise and control all office functions of the city including but not limited to mail deliveries, telephone calls, copying letters, papers and documents, and archives.

11. Perform such other functions as may be necessary to effectively administer the powers and duties prescribed herein.

§ C15-3. Employees.

All persons now employed pursuant to Civil Service Law in the Bureau of Management Services and the Office of Office Services are transferred without change of status, grade or salary to the Department of Information Technology.

Section 2. This local law shall take effect pursuant to requirements of law.

THIS LOCAL LAW WAS ADOPTED BY THE CITY COUNCIL AT A SPECIAL COUNCIL MEETING HELD ON FRIDAY, MAY 31, 2013 BY A VOTE OF 7-0.

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SPECIAL ORDINANCE NO.29-2013

5. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

AN ORDINANCE ADOPTING THE CAPITAL BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2013 AND TERMINATING JUNE 30, 2014.

The City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1: The Capital Budget for the fiscal year commencing July 1, 2013 and terminating June 30, 2014, a total estimated cost of \$75,500,000 submitted by the Mayor and amended, having been filed in the City Clerk's office on April 15, 2013, and public hearings thereon having been held on May 16, 2013 and May 21, 2013 is hereby approved and adopted as the Capital Budget of the City of Yonkers for the fiscal year commencing July 1, 2013 and terminating June 30, 2014.

Section 2: This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A SPECIAL COUNCIL MEETING HELD ON FRIDAY, MAY 31, 2013 BY A VOTE OF 7-0.

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SPECIAL ORDINANCE NO.30-2013

6. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

AN ORDINANCE ADOPTING THE GRANT BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2013 AND TERMINATING JUNE 30, 2014.

The City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1: The annual estimate of expenditures of \$13,799,211 and revenues for the fiscal year July 1, 2013 to June 30, 2014 submitted by the Mayor and amended to pay the debts and expenditures of the City of Yonkers Grant Fund for the fiscal year commencing July 1, 2013 and ending June 30, 2014, having been filed in the Office of the City Clerk on April 15, 2013, and public hearings thereon having been held on May 16th, 2013 and May 21st, 2013 is hereby approved and adopted as the Grant Budget of the City of Yonkers for the fiscal year commencing July 1, 2013 and terminating June 30, 2014 consisting of Personal Services, Equipment, Materials and Supplies and Contractual Services are as set forth in the Budget Document for the respective grants, attached hereto and a part hereof.

Section 2: This Ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A SPECIAL COUNCIL MEETING HELD ON FRIDAY, MAY 31, 2013 BY A VOTE OF 7-0.

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SPECIAL ORDINANCE NO.31-2013

7. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

REVENUE ANTICIPATION NOTE ORDINANCE DELEGATING TO THE COMMISSIONER OF FINANCE AND MANAGEMENT SERVICES THE POWERS TO AUTHORIZE THE ISSUANCE OF \$120,000,000 REVENUE ANTICIPATION NOTES OF THE CITY OF YONKERS, NEW YORK, OR SO MUCH THEREOF AS MAY BE NECESSARY, IN ANTICIPATION OF THE RECEIPT OF CERTAIN REVENUES FOR THE FISCAL YEAR ENDING JUNE 30, 2014, AND TO PRESCRIBE THE TERMS, FORM AND CONTENTS, AND PROVIDE FOR THE SALE AND CREDIT ENHANCEMENT OF SUCH NOTES.

THE CITY COUNCIL OF THE CITY OF YONKERS, IN THE COUNTY OF WESTCHESTER, NEW YORK, HEREBY ORDAINS AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 37-a of the Consolidated Laws of the State of New York (herein called "Law"), the power to authorize the issuance of Revenue Anticipation Notes (herein called "Notes") of the City of Yonkers, in the State of New York (the "City" and "State", respectively), in the aggregate principal amount of not to exceed \$120,000,000, and any notes in renewal thereof, is hereby delegated to the Commissioner of Finance and Management Services, as chief fiscal officer of the City.

Section 2. The Notes shall be issued in anticipation of the collection or receipt of revenues due and payable to the City in the fiscal year ended June 30, 2014 from State Aid and Incentives for Municipalities Program, State Aid for School Tax Relief Reimbursement, State Aid to Education, State Funding for host municipality of video lottery terminals, and sales and use taxes imposed by the City; and the proceeds of such Notes shall be used only for the purposes of paying the current expenses of the City for said fiscal year payable from the revenues in anticipation of which they are issued.

Section 3. The Notes shall mature within one year of the date of issuance thereof and may be renewed from time to time, but each renewal shall be for a period of not exceeding one year and in no event shall such Notes, or the renewals thereof, extend beyond June 30, 2016.

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SPECIAL ORDINANCE NO.31-2013 (CONTINUED)

Section 4. The Notes shall contain the recital of validity as prescribed by Section 52.00 of the Law and shall be general obligations of the City, and the faith and credit of the City shall be pledged to the punctual payment of the principal of and interest on the Notes and, unless the Notes are otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget of the City and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 5. Subject to the provisions of this ordinance and of the Law and pursuant to the provisions of Sections 50.00, 56.00, 60.00 and 168.00 of the Law, the powers to prescribe the terms, form and contents, and all other powers or duties pertaining or incidental to the sale and issuance of the Notes authorized pursuant hereto, or any renewals thereof, and the power to enter into agreements for credit enhancement for the Notes, are hereby delegated to the Commissioner of Finance and Management Services.

Section 6. Pursuant to the provisions of Section 17 of the Special Local Finance and Budget Act of the City of Yonkers constituting Chapters 488 and 489 of the Laws of 1976 of the State of New York (herein called the "Act"), the City is authorized and directed to include the following pledge and agreement of the State of New York (herein called the "State") contained in said Section 17 of the Act, in this ordinance, and the Act provides that upon payment for the Notes by the original and all subsequent holders thereof the inclusion of such pledge and agreement shall be deemed conclusive evidence of valuable consideration received by the State and City for such pledge and agreement and of reliance upon such pledge and agreement by any holder and that any action by the State contrary to or inconsistent with the provisions of such pledge and agreement shall be void:

"The state does hereby pledge to and agree with the holders of obligations of the city issued pursuant to the local finance law or this act that the state will not (a) repeal, revoke, repudiate, limit, alter, stay, suspend or otherwise reduce or rescind or impair the power or duty of the city to exercise, perform, carry out and fulfill its responsibilities under this act to the extent that the city incorporates in any bond ordinance or credit agreement covenants and agreements to so exercise, perform, carry out and fulfill such responsibilities, (b) repeal, revoke, repudiate, limit, alter, stay, suspend or otherwise reduce or rescind or impair the rights and

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SPECIAL ORDINANCE NO.31-2013 (CONTINUED)

remedies of any such holders to fully enforce in a court of law such covenants and agreements so incorporated in the bond ordinance or credit agreement or to enforce the pledge and agreement of the state contained in this section, or (c) otherwise exercise any sovereign power contrary to or inconsistent with the provisions of such bond ordinance or credit agreement, it being hereby determined and declared that the provisions of this act and the powers and duties of the city authorized and imposed hereunder are proper, reasonable and appropriate means by which the state can and should exercise and has exercised its duty under section twelve of article eight of the constitution to prevent abuses by the city in taxation and in the contracting of indebtedness and that the provisions hereof are necessary and in the public interest and proper means to improve market reception for the purchase of bonds and other obligations of the city; provided, however, the foregoing pledge and agreement shall be of no further force and effect if at any time there is on deposit in a separate trust account with the fiscal agent sufficient moneys or direct obligations of the United States of America or the state the principal of and/or interest on which will provide moneys to pay punctually when due at maturity or prior to maturity by redemption in accordance with their terms all principal and interest on all such obligations of the city outstanding, (i) irrevocable instructions from the state and city to the fiscal agent for such payment of such principal and interest with such moneys have been given, and (ii) notice to the holders of such obligation as provided in the bond ordinance or credit agreement has been given, and provided further that such pledge and agreement by the state may be temporarily suspended upon the declaration of martial law in the city in the event of circumstances in the city deriving directly out of a natural disaster (such as an earthquake or major conflagration or flood but not a snowstorm) or civil disturbance (such as military invasion or civil insurrections but not strikes or crises created by financial abuses or economic events)."

Section 7. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL
AT A SPECIAL COUNCIL MEETING HELD ON FRIDAY, MAY 31, 2013
BY A VOTE OF 7-0.

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SPECIAL ORDINANCE NO.32-2013

8. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

TAX ANTICIPATION NOTE ORDINANCE DELEGATING TO THE COMMISSIONER OF FINANCE AND MANAGEMENT SERVICES THE POWERS TO AUTHORIZE THE ISSUANCE OF \$150,000,000 TAX ANTICIPATION NOTES OF THE CITY OF YONKERS, NEW YORK, OR SO MUCH THEREOF AS MAY BE NECESSARY, IN ANTICIPATION OF THE COLLECTION OF TAXES LEVIED FOR THE FISCAL YEAR COMMENCING JULY 1, 2013, AND TO PRESCRIBE THE TERMS, FORM AND CONTENTS, AND PROVIDE FOR THE SALE AND CREDIT ENHANCEMENT OF SUCH NOTES.

THE CITY COUNCIL OF THE CITY OF YONKERS, IN THE COUNTY OF WESTCHESTER, NEW YORK, HEREBY ORDAINS AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 37-a of the Consolidated Laws of the State of New York (herein called "Law"), the power to authorize the issuance of Tax Anticipation Notes (herein called "Notes") of the City of Yonkers, in the State of New York (the "City" and "State", respectively), in the aggregate principal amount of not to exceed \$150,000,000, and any notes in renewal thereof, is hereby delegated to the Commissioner of Finance and Management Services, as chief fiscal officer of the City.

Section 2. The Notes shall be issued in anticipation of the collection of real estate taxes levied for City purposes for the fiscal year commencing July 1, 2013, and the proceeds of the Notes shall be used only for the purposes for which said taxes are to be levied.

Section 3. The Notes shall mature within one year of the date of issuance thereof and may be renewed from time to time in accordance with the provisions of the Law.

Section 4. The Notes are not issued in renewal of other notes.

Section 5. No Notes have heretofore been authorized or issued in anticipation of the collection of said taxes.

Section 6. The Notes shall contain the recital of validity as prescribed by Section 52.00 of the Law and shall be general obligations of

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SPECIAL ORDINANCE NO.32-2013 (CONTINUED)

the City, and the faith and credit of the City shall be pledged to the punctual payment of the principal of and interest on the Notes and, unless the Notes are otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget of the City and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 7. Subject to the provisions of this ordinance and of the Law and pursuant to the provisions of Sections 50.00, 56.00, 60.00 and 168.00 of the Law, the powers to prescribe the terms, form and contents, and all other powers or duties pertaining or incidental to the sale and issuance of the Notes authorized pursuant hereto, or any renewals thereof, and the power to enter into agreements for credit enhancement for the Notes, are hereby delegated to the Commissioner of Finance and Management Services.

Section 8. Pursuant to the provisions of Section 17 of the Special Local Finance and Budget Act of the City of Yonkers constituting Chapters 488 and 489 of the Laws of 1976 of the State of New York (herein called the "Act"), the City is authorized and directed to include the following pledge and agreement of the State of New York (herein called the "State") contained in said Section 17 of the Act, in this ordinance, and the Act provides that upon payment for the Notes by the original and all subsequent holders thereof the inclusion of such pledge and agreement shall be deemed conclusive evidence of valuable consideration received by the State and City for such pledge and agreement and of reliance upon such pledge and agreement by any holder and that any action by the State contrary to or inconsistent with the provisions of such pledge and agreement shall be void:

"The state does hereby pledge to and agree with the holders of obligations of the city issued pursuant to the local finance law or this act that the state will not (a) repeal, revoke, repudiate, limit, alter, stay, suspend or otherwise reduce or rescind or impair the power or duty of the city to exercise, perform, carry out and fulfill its responsibilities under this act to the extent that the city incorporates in any bond ordinance or credit agreement covenants and agreements to so exercise, perform, carry out and fulfill such responsibilities, (b) repeal, revoke, repudiate, limit, alter, stay, suspend or otherwise reduce or rescind or impair the rights and remedies of any such holders to fully enforce in a court of law such covenants and agreements so incorporated in the bond ordinance or

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SPECIAL ORDINANCE NO.32-2013 (CONTINUED)

credit agreement or to enforce the pledge and agreement of the state contained in this section, or (c) otherwise exercise any sovereign power contrary to or inconsistent with the provisions of such bond ordinance or credit agreement, it being hereby determined and declared that the provisions of this act and the powers and duties of the city authorized and imposed hereunder are proper, reasonable and appropriate means by which the state can and should exercise and has exercised its duty under section twelve of article eight of the constitution to prevent abuses by the city in taxation and in the contracting of indebtedness and that the provisions hereof are necessary and in the public interest and proper means to improve market reception for the purchase of bonds and other obligations of the city; provided, however, the foregoing pledge and agreement shall be of no further force and effect if at any time there is on deposit in a separate trust account with the fiscal agent sufficient moneys or direct obligations of the United States of America or the state the principal of and/or interest on which will provide moneys to pay punctually when due at maturity or prior to maturity by redemption in accordance with their terms all principal and interest on all such obligations of the city outstanding, (i) irrevocable instructions from the state and city to the fiscal agent for such payment of such principal and interest with such moneys have been given, and (ii) notice to the holders of such obligation as provided in the bond ordinance or credit agreement has been given, and provided further that such pledge and agreement by the state may be temporarily suspended upon the declaration of martial law in the city in the event of circumstances in the city deriving directly out of a natural disaster (such as an earthquake or major conflagration or flood but not a snowstorm) or civil disturbance (such as military invasion or civil insurrections but not strikes or crises created by financial abuses or economic events)."

Section 9. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A SPECIAL COUNCIL MEETING HELD ON FRIDAY, MAY 31, 2013 BY A VOTE OF 7-0.

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SPECIAL ORDINANCE NO.33-2013

9. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

BOND ORDINANCE OF THE CITY OF YONKERS, NEW YORK, AUTHORIZING THE PAYMENT OF VARIOUS TAX CERTIORARI JUDGMENTS, COMPROMISED CLAIMS AND SETTLED CLAIMS APPROVED BY THE CITY COUNCIL DURING FISCAL YEAR 2013-2014, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$10,000,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF BONDS OF SAID CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$10,000,000 TO FINANCE SAID APPROPRIATION.

THE CITY COUNCIL OF THE CITY OF YONKERS, IN THE COUNTY OF WESTCHESTER, NEW YORK, HEREBY ORDAINS (by the favorable vote of not less than two-thirds of all the members of said City Council) AS FOLLOWS:

The City of Yonkers, in the County of Westchester, New York (herein called "City"), is hereby authorized to pay various tax certiorari judgments, compromised claims and settled claims against the City, approved by the City Council during Fiscal Year 2013-2014. The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$10,000,000, and said amount is hereby appropriated therefor pursuant to the City's Budget for Fiscal Year 2013-2014. The plan of financing includes the issuance of \$10,000,000 bonds of the City to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Bonds of the City in the principal amount of \$10,000,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

The period of probable usefulness of said class of objects or purposes for which said bonds authorized pursuant to this ordinance are to be issued, within the limitations of Section 11.00 a. 33-a. (a) of the Law, is ten (10) years. Each of the bonds authorized by this ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the

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SPECIAL ORDINANCE NO.33-2013 (CONTINUED)

recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by general tax upon all the taxable real property within the City. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year. Subject to the provisions of this ordinance and of the Law and pursuant to the provisions of Section 30.00, Section 50.00, Sections 56.00 to 60.00, and Section 168.00 of the Law, the powers and duties of the City Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and all other powers or duties pertaining or incidental to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, and the power to enter into agreements for credit enhancement for said bonds and notes, are hereby delegated to the chief fiscal officer of the City.

Pursuant to the provisions of Section 17 of the Special Local Finance and Budget Act of the City of Yonkers constituting Chapters 488 and 489 of the Laws of 1976 of the State of New York (herein called the "Act"), the City is authorized and directed to include the following pledge and agreement of the State of New York (herein called the "State") contained in said Section 17 of the Act, in this ordinance, and the Act provides that upon payment for the Bonds, or notes in anticipation of said Bonds, by the original and all subsequent holders thereof the inclusion of such pledge and agreement shall be deemed conclusive evidence of valuable consideration received by the State and City for such pledge and agreement and of reliance upon such pledge and agreement by any holder and that any action by the State contrary to or inconsistent with the provisions of such pledge and agreement shall be void:

"The state does hereby pledge to and agree with the holders of obligations of the City issued pursuant to the local finance law or this act that the state will not (a) repeal, revoke, repudiate, limit, alter, stay, suspend or otherwise reduce or rescind or impair the power or duty of the City to exercise, perform, carry out and fulfill its responsibilities under this act to the extent that the City incorporates in any bond ordinance or credit

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SPECIAL ORDINANCE NO.33-2013 (CONTINUED)

agreement covenants and agreements to so exercise, perform, carry out and fulfill such responsibilities, (b) repeal, revoke, repudiate, limit, alter, stay, suspend or otherwise reduce or rescind or impair the rights and remedies of any such holders to fully enforce in a court of law such covenants and agreements so incorporated in the bond ordinance or credit agreement or to enforce the pledge and agreement of the state contained in this section, or (c) otherwise exercise any sovereign power contrary to or inconsistent with the provisions of such bond ordinance or credit agreement, it being hereby determined and declared that the provisions of this act and the powers and duties of the City authorized and imposed hereunder are proper, reasonable and appropriate means by which the state can and should exercise and has exercised its duty under section twelve of article eight of the constitution to prevent abuses by the City in taxation and in the contracting of indebtedness and that the provisions hereof are necessary and in the public interest and proper means to improve market reception for the purchase of bonds and other obligations of the City; provided, however, the foregoing pledge and agreement shall be of no further force and effect if at any time (i) there is on deposit in a separate trust account with the fiscal agent sufficient moneys or direct obligations of the United States of America or the state the principal of and/or interest on which will provide moneys to pay punctually when due at maturity or prior to maturity by redemption in accordance with their terms all principal and interest on all such obligations of the City outstanding, (ii) irrevocable instructions from the state and City to the fiscal agent for such payment of such principal and interest with such moneys have been given, and (iii) notice to the holders of such obligation as provided in the bond ordinance or credit agreement has been given, and provided further that such pledge and agreement by the state may be temporarily suspended upon the declaration of martial law in the City in the event of circumstances in the City deriving directly out of a natural disaster (such as an earthquake or major conflagration or flood but not a snowstorm) or civil disturbance (such as military invasion or civil insurrections but not strikes or crises created by financial abuses or economic events)".

The validity of the bonds authorized by this ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if: such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or the provisions of law which should be complied with at the date of the publication of such ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such

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SPECIAL ORDINANCE NO.33-2013 (CONTINUED)

publication, or such obligations are authorized in violation of the provisions of the constitution. This bond ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in "THE JOURNAL NEWS," a newspaper published in Yonkers, New York, and in "YONKERS RISING" a newspaper published in Yonkers, New York, each having a general circulation in the City and hereby designated the official newspapers of said City for such publication. This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A SPECIAL COUNCIL MEETING HELD ON FRIDAY, MAY 31, 2013 BY A VOTE OF 7-0. THIS ORDINANCE WAS TAKEN OUT OF ORDER AND ADOPTED PRIOR TO ANY OTHER ORDINANCE BEING ADOPTED.

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SPECIAL ORDINANCE NO.34-2013

10. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

AN ORDINANCE ADOPTING THE SALARY SCHEDULE FOR THE FISCAL YEAR COMMENCING JULY 1, 2013 AND TERMINATING JUNE 30, 2014.

The City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1: In accordance with the provision of Section C2-3 (C) of the Charter of the City of Yonkers, the current salaries for all City Officers and employees, except for the salaries of those officers and employees not covered by this Section, are hereby continued at the present levels.

Section 2: This ordinance shall take effect immediately.

THIS SPECIAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A SPECIAL COUNCIL MEETING HELD ON FRIDAY, MAY 31, 2013 BY A VOTE OF 7-0.

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RESOLUTION NO.85-2013

- 10A. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS JOHNSON, SABATINO, SHEPHERD AND BREEN:

WHEREAS, in his 2013 State of the State Address, New York State Governor Andrew Cuomo renewed his pledge to fully support full-day Pre-K in the State stating, "We need more early education. Every expert will tell you that early education makes a difference and it makes the difference for life. The statistics are overwhelming. Children who receive early education perform 25% better on math by the second grade, 20% better on English, 30% are more likely to graduate from high school, 32% are less likely to be arrested as a juvenile. We should provide real pre-k for all our children. Currently we have universal pre-k but it's only provided by 67% of the school districts and on average, they only offer two and a half hours per day. We will expand the pre-k program to full-day pre-k, five hours. And we will start with students in the lowest wealth school districts. Let's do it today;" and

WHEREAS, in his 2013 State of the City Address, Yonkers Mayor Mike Spano expressed his commitment to full-day Pre-K when he said, "We know how important early education is. Our President and Governor Cuomo have both shown leadership in proposing new investment in full-day pre-k. The simple fact is that children who receive early education are better prepared to achieve academic success and are 30 percent more likely to graduate from high school....I commit to our parents and our children that working with Superintendent Pierorazio, BOE, City Council and our State Delegation, we will restore full-day Pre-K this year;" and

WHEREAS, Superintendent Bernard Pierorazio, a long-time supporter of full-day Pre-K testified in Albany before the Joint Legislative Budget Committee on January 29, 2013 that, "The state should fully fund Pre-K programs in all districts where children face economic and social adversity. Intervening in these precious lives during early childhood leads to better school achievement, increased high school graduation rates, better language acquisition, higher employment rates and greater income throughout their lives....Because language acquisition is the foundation for success in all other subjects, the benefits that young students from less affluent homes receive in full-day Pre-K not only ensures their development, but also balances readiness across subcategories, making all students prepared for academic achievement. The advantages of a full-day Pre-K program have been confirmed by peer-reviewed national

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RESOLUTION NO.85-2013 (CONTINUED)

studies as well as state-funded and District-commissioned studies that have compared the impact of half-day versus full-day programs. All validate that students in full-day Pre-Kindergarten programs, particularly those in low-income, urban districts, incur significantly greater academic advantages;" and

WHEREAS, the financial crises at the national, state and local level caused the Yonkers Public Schools to cut back its Pre-K program from full-day to half-day after 2008, and the stagnation of state and local funding has not allowed a return to a full-day program; and

WHEREAS, coupled with the revenue shortfall, the Yonkers Public Schools has also experienced a massive influx of students in the early childhood and middle elementary grades (kindergarten through grade 5), in that enrollment has increased from 1,600 students per grade level to more than 2,000, with a current registration of 2,200 for September, 2013, that will require some 80 sections or classes of kindergarten children; and Whereas, Superintendent Pierorazio recently advised the City Council that the continuation of the growth trend from the previous school year has effectively closed out the potential opportunity to open Pre-K, in that classes that would have been used for Pre-K are now needed to meet enrollment growth; and

WHEREAS, Superintendent Pierorazio has advised that utilizing the classrooms currently used for Pre-K for a full day program would reduce the Pre-K population the Yonkers Public Schools could effectively serve to only 790 children, in effect disenfranchising more than 50% of families who have registered for Pre-K, and drop enrollment far below the level that allows for state aid, causing the Yonkers Public Schools to lose a significant portion of their subsidy and make the program even more costly in terms of local funding needs; and

WHEREAS, without an additional 35 classrooms needed to restore full-day Pre-K, Superintendent Pierorazio has recommended that the Yonkers Public Schools continue only the half-day Pre-K program for 2013-14; and

WHEREAS, the Trustees of the Yonkers Board of Education may wish to develop a Pre-K admissions screening policy to service those students who are more likely to benefit from early intervention, and because of additional enrollment growth, Pre-K needs and the continuing

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RESOLUTION NO.85-2013 (CONTINUED)

downward spiral of existing school buildings underscores the Yonkers Public Schools urgent need to undertake a massive capital project to build new schools with greater capacity in southwest Yonkers; and

WHEREAS, the mayor has increased the city's contribution to the Board of Education and maintenance of effort by \$4.2 million and made an additional \$800,000 available to the Yonkers Public Schools and the City Council has made available an additional \$3.4 million and the superintendent has committed to restore programs in arts, music and sports, pupil's support guidance and replace money lost to the district from diminished federal and state funding; and

WHEREAS, the City Council has heard a clarion call from numerous parents throughout the Yonkers City School District to fully restore full-day Pre-K and also restore Arts, Music and Sports, and additional pupil support; and

WHEREAS, the City Council has approved every capital request and none have been acted upon;

NOW, THEREFORE, BE IT RESOLVED that the Yonkers City Council does hereby request that the Superintendent of Schools and the Yonkers Board of Education analyze the current space available in current schools and other buildings now and in the short term future, and to make available age demographics of current and prospective students and work with and report back to the Mayor's Education Redesign Team and City Council Education Committee no later than August 30, 2013 with said analysis; and

NOW, THEREFORE, BE IT RESOLVED that the Yonkers City Council does hereby request the Superintendent of Schools and the Yonkers Board of Education utilize the additional money to restore funding cut by the Federal and State governments and grants that have run out; as well as additional staff as needed to service student enrollment growth; and to restore intrinsically valuable programs such as arts and music; guidance and pupil support and increase Junior Varsity and younger aged school sports in the fall and winter and restore a full complement of athletics by Spring 2014.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A SPECIAL COUNCIL MEETING HELD ON FRIDAY, MAY 31, 2013 BY A VOTE OF 7-0.

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RESOLUTION NO.86-2013

10B BY COUNCILMEMBER JOHNSON, COUNCIL PRESIDENT LESNICK, MAJORITY LEADER TERRERO, MINORITY LEADER LARKIN, COUNCILMEMBERS SABATINO, SHEPHERD AND BREEN:

WHEREAS, Yonkers Young Women's Christian Association (YWCA), will be holding her 21st Anniversary "Celebrity Chefs Benefit-Men of Distinction Cooking for a Treasured Women's Organization" on Sunday, June 23, 2013 at the College of Mount Saint Vincent, 6301 Riverdale Avenue, Bronx, New York from 2 pm - 6 pm, and;

WHEREAS, Yonkers Young Women's Christian Association (YWCA) has requested permission from the City Council to have banners displayed to promote this event as soon as possible until the day after the event in the following locations:

- Facing North on Central Park Avenue, at the intersection/overpass of Yonkers Avenue (Yonkers Raceway)
- Facing East on Nepperhan Avenue at the overpass near City Hall
- Facing South on Riverdale Avenue and Ellsworth Avenue

WHEREAS, said locations/s are subject to the scheduling and availability of the banner site/s as administered by the Department of Public Works.

NOW, THEREFORE BE IT RESOLVED that, the City Council of the City of Yonkers hereby grants permission to Yonkers Young Women's Christian Association (YWCA) to place banners in the aforementioned locations, subject to any terms and conditions deemed appropriate by the Administration to protect the best interests of the City of Yonkers.

THIS RESOLUTION WAS ADOPTED BY THE CITY COUNCIL AT A SPECIAL COUNCIL MEETING HELD ON FRIDAY, MAY 31, 2013 BY A VOTE OF 7-0.

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COMMITTEE REPORTS

THIS MEETING WAS ADJORNED AT 9:30PM